# Rambam - 1 Chapter a Day - Mamrim - Chapter 4 -

**Sunday, 15 Tevet 5786 - January 4, 2026**

## Mamrim - Chapter 4

**1**A rebellious elder **who differed with the Supreme *Sanhedrin* concerning a matter whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering is liable for execution.1** This applies **whether** the court **forbids** the matter **and he permits it or** the court **permits the matter and he forbids it.2 Even if he** bases **his statements on the received tradition, saying: "This is the tradition I received from my masters," and they say: "This is what appears to us as appropriate on the basis of logical analysis," since he differs with their ruling3 and performs a deed or directs others to do so, he is liable. Needless to say, this applies if they also rule on the basis of their having received teachings through the Oral Tradition.4**

**א**- זָקֵן שֶׁחָלַק עַל בֵּית דִּין בְּדָבָר שֶׁחִיְּבִין עַל זְדוֹנוֹ כָּרֵת וְעַל שִׁגְגָתוֹ חַטָּאת בֵּין שֶׁהָיוּ הֵן אוֹסְרִין וְהוּא מַתִּיר, בֵּין שֶׁהָיוּ הֵן מַתִּירִין וְהוּא אוֹסֵר - הֲרֵי זֶה חַיָּב מִיתָה. אַפִּלּוּ הָיָה הוּא אוֹמֵר מִפִּי הַקַּבָּלָה, וְאָמַר 'כָּךְ קִבַּלְתִּי מֵרַבּוֹתַי', וְהֵן אוֹמְרִים 'כָּךְ נִרְאֶה בְּעֵינֵינוּ שֶׁהַדִּין נוֹתֵן', הוֹאִיל וְחָלַק עֲלֵיהֶן בְּדָבָר, אוֹ עָשָׂה אוֹ הוֹרָה לַעֲשׂוֹת - הֲרֵי זֶה חַיָּב מִיתָה. וְאֵין צָרִיךְ לוֹמַר, אִם הָיוּ הֵם מוֹרִים מִפִּי הַקַּבָּלָה.

**Similarly, he is liable for execution if he differs with them with regard to a decree that they issued** to safeguard a prohibition **whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.5 For example, if he permits the consumption of leaven on the fourteenth of Nissan during the sixth hour or forbids deriving benefit from it in the fifth hour,6 he is worthy of execution. Similar laws apply in all analogous situations.**וְכֵן אִם חָלַק עֲלֵיהֶם בִּגְזֵרָה מִן הַגְּזֵרוֹת שֶׁגָּזְרוּ בְּדָבָר שֶׁיֵּשׁ בְּשִׁגְגָתוֹ חַטָּאת וּבְזִדּוֹנוֹ כָּרֵת, כְּגוֹן שֶׁהִתִּיר הֶחָמֵץ יוֹם אַרְבָּעָה עָשָׂר בְּשָׁעָה שִׁשִּׁית, אוֹ אֲסָרוֹ בַּהֲנָאָה בְּשָׁעָה חֲמִישִׁית - הֲרֵי זֶה חַיָּב מִיתָה. וְכֵן כֹּל כַּיּוֹצֵא בָּזֶה.

**2**The above applies **whether** the rebellious elder **disputes a matter whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering or he disputes a matter which leads to** a situation involving a prohibition **whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering. What is implied? If they disputed whether relations with a woman are adulterous or incestuous,7 if a shade of blood would render a woman ritually impure or not, if** a woman **is impure because of birth or not, if a woman is a *zavah*8 or not,9 if this fat is forbidden or permitted and the like, their difference of opinion involves a prohibition whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.ב**אֶחָד שֶׁנֶּחְלְקוּ בְּדָבָר שֶׁחַיָּבִין עַל זְדוֹנוֹ כָּרֵת וְעַל שִׁגְגָתוֹ חַטָּאת, אוֹ שֶׁנֶּחְלְקוּ בְּדָבָר הַמֵּבִיא לִידֵי דָּבָר שֶׁחַיָּבִין עַל זְדוֹנוֹ כָּרֵת

וְעַל שִׁגְגָתוֹ חַטָּאת. כֵּיצַד? נֶחְלְקוּ בְּאִשָּׁה זוֹ אִם הִיא עֶרְוָה אוֹ אֵינָהּ, אִם מַרְאֵה דָּם זֶה מְטַמֵּא בְּאִשָּׁה אוֹ אֵינוֹ

מְטַמֵּא, אִם זוֹ טְמֵאָה לֵידָה אוֹ אֵינָהּ טְמֵאָה לֵידָה, אִם זוֹ זָבָה אוֹ אֵינָהּ זָבָה, אִם חֵלֶב זֶה אָסוּר אוֹ מֻתָּר, וְכָל

כַּיּוֹצֵא בְּאֵלּוּ - הֲרֵי זֶה חָלַק בְּדָבָר שֶׁחַיָּבִין עַל זְדוֹנוֹ כָּרֵת וְעַל שִׁגְגָתוֹ חַטָּאת.

**What is meant by a matter that will lead to** a prohibition **whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering? For example,** the Sages **differed concerning the declaration of a leap year, if the leap year must be declared before Purim or may be declared throughout Adar,10 he is liable. For this leads to partaking of *chametz* on Pesach.11 Similarly, if they differed with regard to a matter of financial law or with regard to the number of judges able to adjudicate matters of financial law, he is liable. For according to the opinion which maintains that** the defendant **is liable to** the plaintiff**, everything which he expropriated from him was expropriated according to law and according to the decisions of the court. But according to the opposing view, whatever he expropriated is stolen property. If he uses it to consecrate a woman, she is not consecrated.12 And yet according to the opinion that the person expropriated his own property,** the consecration is valid**. If another person engages in relations with her willfully, he is liable for *kerait* and if** he engages in relations with her **inadvertently, he is liable to bring a sin offering.**וְכֵיצַד דָּבָר הַמֵּבִיא לִידֵי דָּבָר שֶׁחַיָּבִין עַל זְדוֹנוֹ כָּרֵת וְעַל שִׁגְגָתוֹ חַטָּאת? כְּגוֹן שֶׁנֶּחְלְקוּ בְּעִבּוּר הַשָּׁנָה, אִם מְעַבְּרִין עַד הַפּוּרִים אוֹ בְּכָל אֲדָר - הֲרֵי זֶה חַיָּב, שֶׁזֶּה מֵבִיא לִידֵי אֲכִילַת חָמֵץ בַּפֶּסַח. וְכֵן אִם נֶחְלְקוּ בְּדִין מִדִּינֵי מָמוֹנוֹת אוֹ בְּמִנְיַן הַדַּיָּנִים שֶׁדָּנוּ דִּינֵי מָמוֹנוֹת - הֲרֵי זֶה חַיָּב; שֶׁהֲרֵי לִדְבָרָיו שֶׁל אֶחָד שֶׁזֶּה חַיָּב לְזֶה וְכָל שֶׁנָּטַל מִמֶּנּוּ, כְּדִין נָטַל וְעַל פִּי בֵּית דִּין נָטַל; וְלִדְבָרָיו שֶׁל זֶה שֶׁאוֹמֵר פָּטוּר, אוֹ שֶׁאָמַר שֶׁאֵין אֵלּוּ רְאוּיִין לָדוּן - כָּל שֶׁנָּטַל גָּזֵל הוּא בְּיָדוֹ, וְאִם קִדֵּשׁ בּוֹ אִשָּׁה אֵינָהּ מְקֻדֶּשֶׁת; וּלְדִבְרֵי הָאוֹמֵר שֶׁלּוֹ נָטַל הַבָּא עָלֶיהָ בְּמֵזִיד עָנוּשׁ כָּרֵת, וּבְשׁוֹגֵג מֵבִיא חַטָּאת -.

**Thus** their difference of opinion **led to a matter whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.**וְנִמְצָא הַדָּבָר מֵבִיא לִידֵי דָּבָר שֶׁחַיָּבִין עַל זְדוֹנוֹ כָּרֵת וְעַל שִׁגְגָתוֹ חַטָּאת.

**Similarly, if their difference of opinion concerned lashes, if one person was liable to receive lashes or not, or they differed with regard to the number of judges in whose presence lashes must be administered, he is liable. For according to the opinion which says that he should**

**not be lashed,** the court **is injuring him and** the judges **are liable to make financial restitution. Anything expropriated from them is taken according to law. But according to the opinion which says that he is liable for lashes, everything he expropriates from them is stolen property. If he uses it to consecrate a woman, she is not consecrated.**[13] וְכֵן אִם נֶחְלְקוּ בְּדִינֵי מַכּוֹת, אִם זֶה חַיָּב מַלְקוּת אוֹ אֵינוֹ, אוֹ שֶׁחָלַק בְּמִנְיַן הַדַּיָּנִים שֶׁלּוֹקִין בִּפְנֵיהֶם - הֲרֵי זֶה חַיָּב; שֶׁהֲרֵי לְדִבְרֵי הָאוֹמֵר אֵינוֹ לוֹקֶה - חוֹבְלִים הֵם בּוֹ, וְחַיָּבִין לְשַׁלֵּם, וְכָל שֶׁיִּטֹּל מֵהֶן, כַּדִּין נוֹטֵל; וּלְדִבְרֵי הָאוֹמֵר בֵּן מַלְקוּת הוּא - כָּל שֶׁיִּטֹּל מֵהֶן גָּזֵל הוּא בְּיָדוֹ, וְאִם קִדֵּשׁ בּוֹ אִשָּׁה אֵינָהּ מְקֻדֶּשֶׁת.

**Similarly, if they differed with regard to whether or not a person is obligated to pay** after making **endowment evaluations**[14] **or interdicted property,**[15] **he is liable. For according to the opinion that says that he is not liable to pay, if it is taken from him, it is stolen property and if it is used to consecrate a woman, the consecration is not valid. Similarly, he is liable if he differed** with the majority **concerning the redemption of consecrated property, had it been redeemed or not.**[16] **For according to the opinion that the redemption is invalid, if** he used that article **to consecrate a woman, the consecration is not valid.** וְכֵן אִם נֶחְלְקוּ בַּעֲרָכִין אוֹ בַּחֲרָמִין, אִם זֶה חַיָּב לִתֵּן אוֹ אֵינוֹ חַיָּב - הֲרֵי זֶה חַיָּב; שֶׁהֲרֵי לְדִבְרֵי הָאוֹמֵר אֵינוֹ חַיָּב לִתֵּן, אִם לָקְחוּ מִמֶּנּוּ - הֲרֵי זֶה גָּזֵל, וְהַמְּקֻדֶּשׁ בּוֹ אִשָּׁה אֵינָהּ מְקֻדֶּשֶׁת. וְכֵן אִם חָלַק עֲלֵיהֶן בְּפִדְיוֹן הַקֳּדָשִׁים, אִם נִפְדּוּ אוֹ לֹא נִפְדּוּ - הֲרֵי זֶה חַיָּב; שֶׁהֲרֵי לְדִבְרֵי הָאוֹמֵר אֵין זֶה פִּדְיוֹן, אִם קִדֵּשׁ בּוֹ אִשָּׁה אֵינָהּ מְקֻדֶּשֶׁת.

**Similarly, if they differed with regard to bringing an *eglah arufah,*[17] whether a city is obligated to bring or not, he is liable. For according to those who say** that city **is obligated to bring** the calf**, it is forbidden to derive benefit from it and if he uses it to consecrate a woman, the consecration is not valid. Similar** concepts apply **if they differed with regard to *orlah.*[18] And similar concepts apply with regard to *leket,*[19] *shichechah,*[20] and *pe'ah.*[21] If they differ whether it belongs to the poor or to the owner, he is liable. For according to the opinion which says that it belongs to the owner, it is stolen property in the hands of the poor and if one consecrates a woman with it, she is not consecrated.** וְכֵן אִם נֶחְלְקוּ בַּעֲרִיפַת הָעֶגְלָה, אִם אֵלּוּ חַיָּבִין לְהָבִיא אוֹ אֵינָן חַיָּבִין - הֲרֵי זֶה חַיָּב; שֶׁהֲרֵי לְדִבְרֵי הָאוֹמֵר חַיָּבִין לְהָבִיא - הֲרֵי הִיא אֲסוּרָה בַּהֲנָאָה, וְהַמְּקַדֵּשׁ בָּהּ אִשָּׁה אֵינָהּ מְקֻדֶּשֶׁת. וְכֵן אִם נֶחְלְקוּ בְּעֶרְלָה. וְכֵן אִם נֶחְלְקוּ בְּלֶקֶט שִׁכְחָה וּפְאָה, אִם זֶה לָעֲנִיִּים אוֹ לְבַעַל הַבַּיִת - הֲרֵי זֶה חַיָּב; שֶׁהֲרֵי לְדִבְרֵי הָאוֹמֵר לְבַעַל הַבַּיִת - הֲרֵי זֶה גָּזֵל בְּיַד הֶעָנִי, וְאִם קִדֵּשׁ בּוֹ אִשָּׁה אֵינָהּ מְקֻדֶּשֶׁת.

**Similarly, if** the rebellious elder **differs with the court with regard to a category of factors that impart ritual impurity, e.g., blemishes on the skin,**[22] **blemishes on homes,**[23] **or blemishes on garments,**[24] **he is liable. For according to the opinion that the person is pure,**

**he is permitted to enter the Temple and partake of consecrated foods, but according to the opinion that he is impure, if he enters** the Temple **or partakes** of consecrated food **willfully, he is punishable by *kerait,* and** if he does so **inadvertently, he is liable for a sin offering. Similar concepts apply if they differed with regard to the purification of a person afflicted by *tzara'at,* if he can be purified or not.25 Similarly, he is liable if they differ with regard to the obligation to make a *sotah* drink** the water which conveys the curse**:26 Is a woman required to drink** the water **or is she not required? For according to the person who says that she must drink, if her husband dies before she drinks, she is forbidden to her *yevam,*27 while according to the person who says that she is not required to drink, she may perform the rite of *yibbum.*28 Similar laws apply in all analogous situations.**וְכֵן אִם חָלַק עֲלֵיהֶן בְּאָב מֵאָבוֹת הַטֻּמְאוֹת, כְּגוֹן נִגְעֵי בָּשָׂר אוֹ נִגְעֵי בְּתִּים אוֹ נִגְעֵי בְּגָדִים - הֲרֵי זֶה חַיָּב; שֶׁהֲרֵי לְדִבְרֵי הָאוֹמֵר טָהוֹר, מֻתָּר לְהִכָּנֵס לַמִּקְדָּשׁ וְלֶאֱכֹל קָדָשִׁים; וּלְדִבְרֵי הָאוֹמֵר טָמֵא, אִם נִכְנַס אוֹ אָכַל בְּמֵזִיד עָנוּשׁ כָּרֵת וּבְשׁוֹגֵג מֵבִיא חַטָּאת. וְכֵן אִם נֶחְלְקוּ בְּטָהֳרַת מְצֹרָע, אִם יֵשׁ לְזֶה טָהֳרָה אוֹ אֵין לוֹ. וְכֵן אִם נֶחְלְקוּ בְּהַשְׁקָאַת סוֹטָה, אִם זוֹ צְרִיכָה לִשְׁתּוֹת אוֹ אֵינָהּ צְרִיכָה - הֲרֵי זֶה חַיָּב; שֶׁהֲרֵי לְדִבְרֵי הָאוֹמֵר צְרִיכָה - אִם מֵת הַבַּעַל קֹדֶם שֶׁתִּשְׁתֶּה, הֲרֵי זוֹ אֲסוּרָה לַיָּבָם; וּלְדִבְרֵי הָאוֹמֵר אֵינָהּ צְרִיכָה, מִתְיַבֶּמֶת. וְכֵן כֹּל כַּיּוֹצֵא בָּזֶה.
**It is necessary to investigate and examine whether a difference of opinion will lead to these consequences. If it will lead to another consequence which - after a series of even 100 consequences - will bring about a situation involving a prohibition whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering, the** rebellious **elder is liable.** This applies **regardless of whether he ruled leniently and the others ruled stringently or he ruled stringently and they ruled leniently.29**צְרִיכִין לְבַדֹּק וְלַחְקֹר אִם הָיְתָה מַחֲלֹקֶת זוֹ מְבִיאָה לִידֵי דָּבָר זֶה, וְדָבָר זֶה מֵבִיא לְדָבָר שֶׁנִּי, אַפִּלּוּ אַחַר מֵאָה דְּבָרִים, אִם יָבוֹא בְּסוֹף לְדָבָר שֶׁחַיָּבִין עַל זְדוֹנוֹ כָּרֵת וְעַל שִׁגְגָתוֹ חַטָּאת - בֵּין שֶׁהָיָה הַזָּקֵן מֵקֵל וְהֵן מַחְמִירִין, בֵּין שֶׁהָיָה הוּא מַחְמִיר וְהֵן מְקִילִין - הֲרֵי זֶה חַיָּב.
**3If the difference of opinion between** the rebellious elder and the court **will not lead to such a situation,** the rebellious elder **is not liable** for execution **unless** the difference of opinion **concerns *tefillin.*30 What is implied?** If the rebellious elder **gave a directive to add a fifth compartment to *tefillin* making five compartments, he is liable.** This applies **provided**

**he first made four compartments as required by law and then made a fifth compartment and attached it to the outer** compartment**. For when an outer compartment is not exposed to open space at all times, it is unacceptable.31 The obligation of a rebellious elder in such a matter is a law transmitted by the Oral Tradition.**ג וְאִם לֹא תְּבִיא הַמַּחֲלֹקֶת לִידֵי כָּךְ, הֲרֵי זֶה פָּטוּר - חוּץ מִמִּצְוַת תְּפִלִּין בִּלְבַד. כֵּיצַד? הוֹרָה לְהוֹסִיף טוֹטֶפֶת חֲמִישִׁית בַּתְּפִלִּין, וְיִעֲשֶׂנָּה חֲמֵשׁ טוֹטָפוֹת - הֲרֵי זֶה חַיָּב. וְהוּא שֶׁיַּעֲשֶׂה כַּתְּחִלָּה אַרְבָּעָה בָּתִּים כְּהִלְכָתָן, וְיָבִיא חֲמִישִׁי וְיִדְבַּק בַּחִיצוֹן - שֶׁהַבַּיִת הַחִיצוֹן שֶׁאֵינוֹ רוֹאֶה אֶת הָאֲוִיר, פָּסוּל. וְחִיּוּב זָקֵן מַמְרֵא עַל דָּבָר זֶה, הֲלָכָה מִפִּי הַקַּבָּלָה.

**If, however, they differed with regard to other mitzvoth, e.g., he disputed one of the laws concerning a *lulav, tzitzit,*32 or a *shofar,* one claiming that it is unacceptable and the other claiming that it is acceptable, one claiming that the person fulfilled his obligation and the other claiming he did not fulfill his obligation, or one says: "He is pure," and the other says: "He is impure two degrees removed,"**33 the elder **is not liable for execution.34 Similar laws apply in all analogous situations.**אֲבָל אִם נֶחְלְקוּ בִּשְׁאָר מִצְוֹת, כְּגוֹן שֶׁחָלַק בְּדָבָר מִדִּבְרֵי לוּלָב אוֹ צִיצִית אוֹ שׁוֹפָר, זֶה אוֹמֵר פָּסוּל וְזֶה אוֹמֵר כָּשֵׁר, זֶה אוֹמֵר יָצָא יְדֵי חוֹבָתוֹ וְזֶה אוֹמֵר לֹא יָצָא, זֶה אוֹמֵר טָהוֹר וְזֶה אוֹמֵר שֵׁנִי לַטֻּמְאָה - הֲרֵי זֶה פָּטוּר מִן הַמִּיתָה. וְכֵן כֹּל כַּיּוֹצֵא בָּזֶה.

## FOOTNOTES

1.

*Sanhedrin* 87a derives this concept through accepted techniques of Biblical exegesis. There are two different opinions concerning the extent of the difference of opinion between the elder and the court in that Talmudic passage. In this and the following halachah, the Rambam follows one opinion (that of Rabbi Meir) and Halachah 3, his rulings relate to the other one (that of Rabbi Yehudah). See the notes to that halachah.

2.

This underscores that the reason he is executed is that he is undermining the authority of the court, not because he is causing others to commit a serious transgression.
3.

Our translation differs slightly from the standard published text of the *Mishneh Torah* and is based on authoritative manuscripts.
4.

But they maintain that the tradition is different than that maintained by the rebellious elder.
5.

The Rambam's position is not accepted by all authorities. The Ramban, in his *Hasagot* to *Sefer HaMitzvot,* General Principle 1, states that a sage is never considered a rebellious elder because of a difference of opinion with regard to a question of Rabbinic Law. For there is no point of Rabbinic Law whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering. *Kerait* and sin offerings are relevant only when speaking about Scriptural prohibitions. The *Radbaz* supports the Rambam's position, explaining that since the prohibition against *chametz* itself is punishable by *kerait* or a sin offering, the Rabbinic safeguards against this prohibition also are included in this category. The *Kessef Mishneh* explains that these Rabbinic safeguards could lead to a situation whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering. If a man consecrates a woman with *chametz* in the fifth hour of the day on the fourteenth of Nissan, according to our Sages, the woman would be consecrated, while according to the rebellious elder, she will not be. Relations with this woman is a matter whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.
6.

As stated in *Hilchot Chametz UMatzah* 1:8-9, the Torah prohibits partaking of *chametz* from midday of the fourteenth of Nissan onward. As a safeguard for that prohibition our Sages decreed that it is forbidden to partake of *chametz* from the beginning of the fifth hour of that day and it is forbidden to benefit from it from the beginning of the sixth hour of that day. If the rebellious elder issues directives that conflict with this decree, he is liable.
7.

As an example of such a difference of opinion, *Sanhedrin* 87b speaks of a person who has relations with a daughter born from a woman whom he raped. Since the prohibition against relations with a daughter is not mentioned explicitly in the Torah (- it is instead, inferred from the prohibition against relations with one's daughter's daughter), there is room for a rebellious elder to argue that such relations are not punishable by *kerait*.
Similarly, in all the cases that follow, *Sanhedrin, loc. cit.,* gives examples of the types of differences of opinion that could arise. We will not explain all these hypothethical situations. A reader who is interested in those details should consult that source.
8.

A condition involving vaginal bleeding at times other than a woman's menstrual period. Such bleeding renders the woman ritually impure.
9.

In these three instances, if the woman is impure, relations with her involve a transgression whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.
10.

The latter view represents the halachah.
11.

For the month the majority of Sages consider as the second Adar will be Nisan, according to the rebellious elder. And the month the Sages consider as Nisan will be Iyar for him. Thus he will - or instruct others to - partake of *chametz* on Pesach. Hence, the difference of opinion ultimately leads to a transgression whose willful violation is punishable by *kerait.*

12.

Since the object used to consecrate her did not belong to her prospective husband, the consecration is not valid. For the stolen article must be returned and thus she never received anything for consecration.

13.

While, according to the other opinion, the consecration is valid and relations with her involve a prohibition whose willful violation is punishable by *kerait* and whose inadvertent violation requires a sin offering.

14.

E.g., they differed about the endowment obligation of a child less than a month old, must the child's worth be given or not? See *Sanhedrin* 88a.

15.

E.g., they differed if interdicted property (*cherem,* see Leviticus, ch. 27, *Hilchot Arachin V'Charamin,* ch. 6) whose objective was not specified should be given to the Temple treasury or to the priests. According to the opinion that it should be given to the priests, it is his private property and can be used to consecrate a woman, while according to the other view, if it is used to consecrate a woman, the consecration is not valid.

16.

I.e., their difference of opinion concerned whether the evaluation of the consecrated article's worth was carried out according to required principles and the redemption is valid, or whether those requirements where not met, and hence the redemption was invalid (*Sanhedrin, loc. cit.*).

17.

A calf whose neck is broken to atone for an unsolved murder (see Deuteronomy, ch. 21).

18.

The fruits produced by a tree in the first three years after it was planted. It is forbidden to benefit from these fruits. Hence according to the opinion that they are forbidden, if they are used to consecrate a woman, the consecration is not valid.

19.

Produce which falls from the reapers' hands that must be left for the poor (see Leviticus 19:9, 23:22).

20.

Produce forgotten by the reapers which must be left for the poor (see Deuteronomy 24:19).

21.

The corners of the field which must be left for the poor (see Leviticus, *loc. cit.*).

22.

The Rambam is referring to blemishes caused by *tzara'at,* a spiritual affliction resembling leprosy. See Leviticus, chs. 12-13. These blemishes render a person ritually impure.

23.

As related in Leviticus, ch. 14, *tzara'at* can also affect a building. In such an instance, anyone who enters the building becomes ritually impure.

24.

Similarly, as stated in Leviticus, ch. 13, *tzara'at* can also affect a garment which in turn can convey ritual impurity upon a person.
25.

For the same question, can that person enter the Temple and partake of consecrated foods, applies.
26.

When a husband suspects his wife of committing adultery, he may warn her not to enter into privacy with a given man. If she violates this warning, she is given special water to drink. See Numbers, ch. 5.
27.

The brother of her husband who must marry her if her husband died childless. See Deuteronomy, ch. 25.
28.

The *Kessef Mishneh* questions the Rambam's statements, noting that although a *sotah* is forbidden to her *yevam,* that prohibition is not punishable by *kerait,* merely by lashes. (See *Hilchot Yibbum ViChalitzah* 6:19 which bears out that statement.) The *Kessef Mishneh* does not offer a resolution to the matter. Note the *Merkevat HaMishneh* who does, suggesting a situation that depends on an understanding of the intricacies of the laws regarding *yibbum*.
29.

For as mentioned, our worry is not that he is releasing a stringent prohibition, but that his directives will spur controversy among the Jewish people and prevent there being a unified halachic consensus (Radbaz).
30.

As mentioned in the notes to Halachah 1, there are two different opinions in *Sanhedrin* 87a with regard to when a rebellious elder becomes liable. In Halachot 1 and 2, the Rambam followed one opinion (that of Rabbi Meir). Here his rulings relate to the other one (that of Rabbi Yehudah). The Ra'avad differs with the Rambam, maintaining that the different opinions are conflicting and cannot be reconciled with each other. The Radbaz and the *Kessef Mishneh* justify the Rambam's position.
31.

Rabbi Elazar in the name of Rabbi Ushia explains Rabbi Yehudah's perspective as follows: "He is not liable unless [the difference of opinion] concerns a matter that comes fundamentally from Scripture, but whose interpretation is Rabbinic. It must be able to add to our Sages' [interpretation of how to observe the mitzvah], and that addition must degrade [and disqualify the mitzvah]."
If at the outset, the person made five compartments, he is not making an addition that degrades; he is not fulfilling the mitzvah in the proper way from the outset. In this instance, however, the four compartments make the *tefillin* acceptable. By adding the fifth compartment in the manner described by the Rambam, he disqualifies one of the first four, thus making the *tefillin* unacceptable.
32.

For unlike *tefillin,* with regard to these mitzvot, they are either acceptable or unacceptable from the outset, there is no concept of it being acceptable and then being disqualified. For to add a new strand *tzitzit* or a new species to the four for the *lulav,* one would have to undo the existing bond. And the new bond would not be acceptable from the outset (Ra'avad).
The Radbaz emphasizes that although the elder is not judged as rebellious for issuing such rulings with regard to *tzitzit* and a *lulav,* if one adds a strand or another species, one does violate the prohibition against adding to the Torah's commandments.
33.

I.e., he came in contact with an article or a person that came in contact with a source of ritual impurity. As the Rambam states in *Hilchot Bi'at HaMikdash* 3:15, if a person enters the Temple after coming into such contact, he is not liable for *kerait.*
34.

He should, however, be punished in other ways, as stated in Chapter 3, Halachah 7.

**Sunday, 15 Tevet 5786 / January 4, 2026**